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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.23 OF 2006
IN
SUMMARY SUIT NO.2836 OF 2005

M/s.K.D. Makhija & Co.)..Plaintiffs

Versus

Brown Kraft Industries Ltd. and others)..Defendants

Mr.P.S. Anand for the Plaintiffs.

None present for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 17TH MARCH 2006

P.C.:

. The Plaintiffs have taken out the present Summons for Judgment in respect of a Demand Bill of Exchange executed by Defendant No.1. Defendant No.2 was the acceptor of the Bill of Exchange for a sum of Rs.50,000/-.

2. It appears that some interest has been paid to the Plaintiffs after Bill of Exchange was executed. However, 31st December 2002, the Defendants failed to remit the amount of Rs.50,000/- together with interest when demanded. The Advocate’s notice dated 29th September 2004 was issued claiming the amount with 18%

interest. There is no reply to this notice. It appears that the Plaintiffs have even called upon the Defendants to take inspection of the documents by their Advocate's letter. The Summons for Judgment was served on the Advocate for the Defendants on 2nd February 2006. However, nobody appears for the Defendants today nor is any reply filed. The learned Advocate for the Plaintiffs has filed the affidavit of service.

3. In these circumstances, I am of the view that conditional leave is required to be granted to the Defendants on the Defendants depositing Rs.50,000/- in this Court within four weeks from today failing which the Plaintiffs will be entitled to a decree.

4. If the Defendants deposit the amount as aforesaid, Prothonotary & Senior Master to invest the same in a Fixed Deposit of a Nationalised Bank initially for a period of three years, to be renewed thereafter till the pendency of the Suit. The Suit shall then be transferred to the list of Commercial Causes.